

NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

ITEM # 1 INDEPENDENT LIVING PROGRAM (ILP)/TRANSITIONAL INDEPENDENT
LIVING PLAN (TILP)/TRANSITIONAL HOUSING PLACEMENT PROGRAM
(THPP) & TRANSITIONAL HOUSING PLACEMENT PROGRAM-PLUS (THPP-
PLUS)

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held December 17, 2003, as follows:

December 17, 2003
Office Building # 9
744 P St. Auditorium
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on December 17, 2003.

CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

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CHAPTERS

Chapter 11-400 (AFDC-FOSTER CARE RATES), Section 11-400 (AFDC-Foster Care Rates-Definitions) and Section 11-410 (Transitional Housing Placement Program Rates); Chapter 30-000 (SERVICE PROGRAMS ADMINISTERED BY COUNTY WELFARE DEPARTMENTS), Section 30-002 (Definitions); Chapter 30-500 (SERVICE PROGRAM NO. 5 INDEPENDENT LIVING PROGRAM), Section 30-501 (General), Section 30-502 (Special Definitions), Section 30-503 (County Plans and Reporting Requirements), Section 30-504 (Service Delivery Methods), Section 30-505 (Eligibility Standards), Section 30-506 (Counties' Responsibilities), and Section 30-507 (Emancipated Youth Stipend); Chapter 30-900 (SERVICE PROGRAM NO. 9: TRANSITIONAL HOUSING PLACEMENT PROGRAM), Section 30-900 (General), Section 30-901 (Special Definitions), Section 30-902 (Transitional Housing Placement Program (THPP) Purpose), Section 30-903 (Persons Served by Transitional Housing Placement Program (THPP)), Section 30-904 (Transitional Housing Placement Program (THPP) Rates), Section 30-905 (Transitional Housing Placement Program (THPP) Licensing Requirements), Section 30-906 (Transitional Housing Placement Program (THPP) County Plans), Section 30-907 (Transitional Housing Placement Program (THPP) Service Delivery Methods), Section 30-908 (Permission Necessary for Transitional Housing Placement Program (THPP) Participation), Section 30-909 (Transitional Independent Living Plans (TILPs) for Transitional Housing Placement Program (THPP) Participants), Section 30-910 (Transitional Housing Placement Program (THPP) Reporting Requirements), Section 30-911 (Transitional Housing Placement Program (THPP) Certification Standards), Section 30-912 (Transitional Housing Program (THP)-Plus Program Purpose), Section 30-913 (Persons Served by the Transitional Housing Program (THP)-Plus), Section 30-914 (Transitional Housing Plan (THP)-Plus Rates), Section 30-915 (Transitional Housing Program (THP)-Plus County Plans), Section 30-916 (Transitional Housing Program (THP)-Plus Service Delivery Methods), Section 30-917 (Transitional Housing Program (THP)-Plus Tenant Responsibilities), Section 30-918 (Supportive Transition Emancipation Program (STEP) Transitional Housing Program (THP)-Plus Living Plans), Section 30-919 (Transitional Housing Program (THP)-Plus Reporting Requirements), Section 30-920 (Transitional Housing Program (THP)-Plus Certification Standards); and Chapter 31-000 (GENERAL REQUIREMENTS), Section 31-002 (Definitions), Section 31-206 (Case Plan Documentation), Section 31-236 (Transitional Independent Living Plan (TILP)), and Section 31-525 (Independent Living Program (ILP)).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Welfare and Institutions Code Sections 10553 and 10554 and Health and Safety Code Section 1559.110 assign responsibility to the California Department of Social Services (CDSS) to make and enforce all rules appropriate to the proper accomplishment of the functions of CDSS.

The proposed regulations address four separate though related elements: The Independent Living Program (ILP), the Transitional Independent Living Plan (TILP), the Transitional Housing Placement Program (THPP), and the Transitional Housing Program-Plus (THP)-Plus.

Recognizing the exceptional needs of foster care youth, Congress passed The Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985 (Public Law [PL] 99-272). This Act authorized funds to states for ILP, which includes services, programs and activities to assist eligible youth in Title IV-E funded foster care to make the transition from foster care to independent living. Subsequently, Congress reauthorized the ILP with the Omnibus Budget Reconciliation Act of 1993 (PL 103-66).

However in spite of this support, it was discovered that many of these youth were homeless upon leaving foster care. As a result, Congress passed the Foster Care Independence Act of 1999 (H.R. 3443), also known as the Chafee Foster Care Independence Act. This Act reconfirmed and increased ILP services requirements. In addition, the California Legislature passed Senate Bill (SB) 933 (Chapter 311, Statutes of 1998), which extended ILP services to all eligible foster care youth up to the age of 21 years and gave counties the option of providing ILP services to younger youth.

All eligible foster care youth are permitted but not required to participate in the ILP. However, all foster care youth 16 years of age and older must have a TILP whether or not they are participating in the ILP. The TILP is a federally mandated written plan developed by the counties in collaboration with each youth and included in the case plan. The TILP identifies the youth's current level of functioning, emancipation goals and the specific skills needed to prepare the youth to live independently upon leaving foster care. The Chafee Foster Care Independence Act of 1999 and Assembly Bill (AB) 1979 (Chapter 271, Statutes of 2002) enacted provisions that impact TILP requirements.

The THPP is a program under which supervised youth live independently while attending high school and learning the skills of daily living. AB 1198 (Chapter 799, Statutes of 1993) established the pilot THPP. AB 2774 (Chapter 873, Statutes of 1998) allowed THPP statewide implementation, and AB 427 Chapter 125, Statutes of 2001 broadened the THPP eligibility to include youths age 16 and expand permissible housing models.

The THP-Plus originated as a housing program for young adults who have emancipated from foster care and are receiving financial assistance through the Supportive Transition Emancipation Program (STEP). THP-Plus was established by AB 427, which mandated emergency regulations to implement both THPP and THP-Plus provisions. The two programs (THP-Plus and STEP) were delinked by AB1119 so that it is no longer required to be a STEP participant to access THP-Plus.

Implementation of the proposed regulations will provide fair and equitable treatment to eligible foster care youth by providing services and programs to assist them to be self sufficient upon leaving foster care.

COST ESTIMATE

Costs and Savings to State Agencies: There will be no additional costs to implement these regulations.

Cost and Savings to Local Agencies or School Districts: The Department has determined that these regulations will have no fiscal impact on local agencies or school districts.

Nondiscretionary Costs or Savings to Local Agencies: None

Federal Funding to State Agencies: The Department has determined that these regulations will have no fiscal impact on federal funding to state agencies.

LOCAL MANDATE STATEMENT

These regulations do impose a mandate on local agencies but not on school districts. There are no state mandated costs in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code because these regulations merely amend existing Divisions 11, 30, and 31 regulations and adopt regulations that clarify policy issues for currently funded programs. The Independent Living Program is an existing program that does not impose any new requirements on counties. County participation in THPP and THPP-Plus is optional.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Welfare and Institutions Code Sections 10553, 10554, and Health and Safety Code Section 1559.110. Subject regulations implement and make specific Health and Safety Code Sections 1502(a)(1), 1503.5(a), 1559.110, 1159.115, and 50580; Welfare and Institutions Code Sections 366, 602, 706.6, 727.2 and .3, 1896.6, 10553, 10554, 10609.3 and .4, 11155.5, 11400, 11403, 15200, 16501, 16501.3(c), 16501.5, 16502.1, 16522, 16522.1, .2, .5, and .6, and 18987.6; Section 7000, Family Code; Sections 1940, et seq. Civil Code; and 42 U.S.C. Sections 675 and 677.

CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED
REGULATION

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Backup: Rick Torres (916) 657-2586

EMERGENCY STATEMENT

These regulations are to be adopted on an emergency basis. In order to allow interested persons an opportunity to submit statements or arguments concerning these regulations, they will be considered at public hearing in accordance with Government Code Section 11346.4.

AGENDA ITEM(S) FOR THIS PUBLIC HEARING - December 17, 2003

ITEM #1 ORD #1202-32 Independent Living Program (ILP)/Transitional Independent Living Plan (TILP)/Transitional Housing Placement Program (THPP) & Transitional Housing Placement Program-Plus (THPP-Plus)

ITEM #2 ORD #0803-20 Anticipating Income and Changes in the Food Stamp Program